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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

RANCHERS-CATTLEMEN  
ACTION LEGAL FUND, UNITED  
STOCKGROWERS OF AMERICA,  
Plaintiff,

v.

CV 16-00041-BMM-JTJ

SONNY PERDUE, in his official  
capacity as Secretary of Agriculture;  
and UNITED STATES  
DEPARTMENT OF  
AGRICULTURE,  
Defendants,

NOTICE OF DEVELOPMENT

MONTANA BEEF COUNCIL, *et al.*,  
Defendants-Intervenors.

Defendants Sonny Perdue, in his official capacity as Secretary of Agriculture, and the United States Department of Agriculture respectfully submit this notice to advise the Court of a factual development relevant to the Court's resolution of the parties' cross-motions for summary judgment. Dkt. Nos. 89, 94, 98. On January 16, 2020, the Maryland Beef Industry Council signed a Memorandum of Understanding (MOU) with the U.S. Department of Agriculture. *See* Ex. A (attached herewith). The terms of this MOU are the same as the MOUs previously submitted to this Court in support of the federal government's motion for summary judgment. *See* Declaration of Daniel Halainen, Exs. 9-29, Dkt. 99-3.

As a result of this development and the recent MOU signed by the Vermont Beef Industry Council, *see* Notice of Development, ECF No. 133, all of the Qualified State Beef Councils (QSBCs) in this case—that is, all fifteen QSBCs named in paragraph 15 of Plaintiff's supplemental pleading, Dkt. 58-3—are now subject to MOUs with the U.S. Department of Agriculture. This development is relevant to arguments by the federal government defendants and the defendants-intervenors that the U.S. Department of Agriculture exercises effective control of QSBCs' promotional activities through the MOUs. Because of this development, the Court need not reach the question whether the government exercises effective control of the promotional activities of QSBCs not subject to MOUs, because no such QSBCs remain in this case.

Respectfully submitted this 16th day of January, 2020,

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/s/ Rebecca Kopplin  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Rebecca Kopplin  
REBECCA KOPPLIN  
Trial Attorney